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## DEPARTMENT OF JUSTICE

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State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
MAY 2 1980

April 28, 1980

**WATER QUALITY CONTROL**

Mr. Charles K. Ashbaker, Supervisor  
Source Control Section  
Water Quality Division  
Department of Environmental Quality  
522 S.W. 5th Avenue  
Portland, OR 97204

Dear Kent,

In your April 21, 1980 letter to me, you inquired whether, under Oregon law, the Department of Environmental Quality has legal authority to issue and enforce general permits. You forwarded with your letter some materials from the United States Environmental Protection Agency describing the general permit concept. Though the EPA has not made final a general permits policy, it appears from the materials which you sent with your letter that the general permit program would be authorized by regulations of the EPA pursuant to the federal Water Pollution Control Act of October 18, 1972, as subsequently amended (with the 1977 amendments, being now known as the Clean Water Act).

ORS 468.730 provides:


"The commission may perform or cause to be performed any and all acts necessary to be performed by the State to implement within the jurisdiction of the State the provisions of the federal Water Pollution Control Act, enacted by Congress, October 18, 1972, and Acts amendatory thereof or supplementary thereto, and federal regulations and guidelines issued pursuant thereto. The commission may adopt, modify or repeal rules, pursuant to ORS 183.310 to 183.500, for the administration and implementation of this section."

Mr. Charles K. Ashbaker  
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In my opinion ORS 468.730 provides to the Department the necessary authority to participate in a general permit program promulgated by the EPA pursuant to the federal Water Pollution Control Act, as amended. However, because the Environmental Quality Commission rules governing the issuance of NPDES permits are presently written in contemplation of the issuance of specific, individual permits only, some modification of those rules would appear to be necessary to regulate the issuance of general permits. Presumably, it will be possible to more satisfactorily draft such proposed rule changes after the general permits policy of the EPA has become final.

Please let me know if you have further questions about this matter.

Sincerely,



Raymond P. Underwood  
Chief Counsel

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